

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

O R D E R

-against-

Criminal No. 10-335 (RRM)

ALVYDAS BERNOTAS,

Defendant.

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Upon the parties' agreed acceptance of the findings in the Forensic Psychiatric Evaluation dated December 15, 2011, submitted by the Bureau of Prisons Federal Medical Center, Butner, Dr. Jill R. Grant, Psy.D, Staff Psychologist, and Dr. Bruce Berger, M.D., Staff Psychiatrist, whereby the defendant, Alvydas Bernotas, Reg. No. 65203-053, was found not competent to stand trial and not restorable to competency in the foreseeable future, and the parties' agreement that no further hearing on such findings is required; and

Upon the parties' agreed acceptance of the findings in the Forensic Psychiatric Evaluation Risk Assessment dated March 9, 2012, submitted by the Bureau of Prisons Federal Medical Center, Butner, Dr. Jill R. Grant, Psy.D, Staff Psychologist, and Dr. Bruce Berger, M.D., Staff Psychiatrist, whereby the defendant, Alvydas Bernotas, was found not to meet the criteria for commitment pursuant to 18 U.S.C. § 4246, and the parties' agreement that no further hearing on such findings is required; and

Upon the motion of the United States of America dated April 26, 2012, joined in by counsel for defendant, Alvydas Bernotas, seeking to dismiss without prejudice the indictment in the above-captioned matter based on the aforesaid findings;

**IT IS HEREBY**

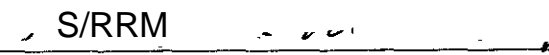
**ORDERED** that the indictment in the above-captioned matter is dismissed without prejudice; and it is

**FURTHER ORDERED** that all prior Orders of this Court placing defendant, Alvydas Bernotas, currently detained at the Federal Medical Center in Butner, N.C., into the custody of the Attorney General pursuant to 18 U.S.C. §§ 4241 and 4246 are hereby **VACATED**; and it is

**FURTHER ORDERED** that this Court's Order of Detention Pending Trial, entered on March 29, 2010 pursuant to the Bail Reform Act, 18 U.S.C. § 3142(e), is hereby **VACATED**; and it is

**FURTHER ORDERED** that defendant, Alvydas Bernotas, be released from the custody of the Attorney General and transferred to the custody of the Department of Homeland Security pursuant to the immigration detainer currently pending against defendant.

Dated: Brooklyn, New York  
April 27, 2012

  
S/RRM  
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ROSLYNN R. MAUSKOPF  
UNITED STATES DISTRICT JUDGE